

REMARKS

Claims 1 and 26 are pending in the present application. Claims 1 and 26 have been rejected. Claim 1 has been amended for clarification. No new matter has been added. Accordingly, claims 1 and 26 are now pending in the present application.

Claim Rejections - 35 USC § 112

a. Claim 1 was rejected under 35 U.S.C. § 112 1st paragraph, as failing to comply with the enablement requirement.

The Examiner states:

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Applicant has claimed the specific as “the locking scheme retrieves the hidden timestamp column”, which is not supported by the specification or the drawings.

Applicant respectfully asserts that claim 1 has been amended with this response. Specifically, the portion “the locking scheme retrieves the hidden timestamp column” has been removed from claim 1. Consequently, the Examiner’s rejection under 35 USC § 112 is no longer applicable.

Claim Rejections - 35 USC § 101

a. Claim 1 is rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention and is not supported by either a specific and substantial asserted utility or a well established utility.

The Examiner states:

6. Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps of providing a table in the database with a hidden timestamp column..., which can all be done mentally, and therefore do not qualify as a statutory process.

Claim 26 is rejected under 35 U.S.C. 101 as being dependent on an independent claim which has been rejected under 35 U.S.C. 101.

7. Claim 1 rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a *specific and substantial* asserted utility or a well established utility. Applicant has claimed specific as "the locking scheme retrieves the hidden timestamp column", which is not supported by the specification or the drawings.

Applicant respectfully asserts that claim 1 has been amended with this response. Specifically, the preamble has been amended to recite “a computer processor implemented method” and the portion “the locking scheme retrieves the hidden timestamp column” has been removed from claim 1. Consequently, the Examiner’s rejection under 35 USC § 101 is no longer applicable.

Claim Rejections - 35 USC § 103

The standard for making an obviousness rejection is currently set forth in MPEP 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The ***teaching or suggestion*** to make the claimed combination **and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure**. (emphasis and formatting added) MPEP § 2143, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a ***convincing line of reasoning*** as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (emphasis added).

See also, KSR International Co. v. Teleflex Inc., No. 04-1350, 550 U.S. ____ (2007).

As noted above, the PTO has the burden of establishing a *prima facie* case of obviousness under 35 USC §103. The Patent Office must show that some reason to

combine the elements with some rational underpinning that would lead an individual of ordinary skill in the art to combine the relevant teachings of the references. *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ___ (2007); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Therefore, a combination of relevant teachings alone is insufficient grounds to establish obviousness, absent some reason for one of ordinary skill in the art to do so. *Fine* at 1075. In this case, the Examiner's proposed combination of references do not teach each and every element recited in the present invention.

a. Rejections of Claims 1 and 26 under 35 U.S.C. §103(a) (994, 997, 840, APA References)

The Applicant respectfully traverses the rejection of independent claims 1 and 26 as being unpatentable over Yoshimura et al. (U.S. Patent 6,882,994) hereinafter *Yoshimura*, in view of Norcott et al. (U.S. Patent 6,999,977) hereinafter *Norcott*, in view of Shwartz (U.S. Patent 5,812,840) hereinafter *Shwartz* and further in view of Applicant Admitted Prior Art (APA), as emphasized by the recited claim elements set forth below:

Independent Claim 1 recites a computer processor implemented method for providing a timestamp for data in a database system, the database system operating in accordance with a database schema, the computer processor performing the following method steps:

providing a table in the database system, the table including a plurality of rows of data;

providing a hidden timestamp column in the table of the database system, the hidden timestamp column including a timestamp value for each row of data in the table, the timestamp value indicating a last time a corresponding row of data in the table was previously modified, wherein the hidden timestamp column does not appear in the database schema by default and exposes the timestamp value for a given row of data in the table only to a query that calls the timestamp column by name;

receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name; and

in response to the query, the hidden timestamp column returning the timestamp value to the application for use by the application,

wherein the application uses the returned timestamp value for controlling a locking scheme associated with recording data updates in the database system.

Yoshimura discloses techniques for answering a user's query to a database system. An embodiment provides a database querying method in which a first data item is obtained from a Data Base Management System (DBMS) database table in response to a query request. A second data item is obtained by referencing a DBMS updated log file, having log data associated with the first data item, for example a timestamp. The first and second data items are then integrated and returned as an integration result to the query request. In one embodiment the first and second data items are integrated in a virtual table in accordance with a predetermined business rule.

The Examiner asserts that *Yoshimura* does not specifically teach hiding a column. The Examiner then proposes to combine the *Yoshimura* reference with the *Schwartz* reference to cure *Yoshimura's* defect. *Schwartz* discloses a database query system includes a query assistant that permits the user to enter only queries that are both syntactically and semantically valid (and that can be processed by an SQL generator to produce semantically valid SQL). Through the use of dialog boxes, a user enters a query in an intermediate English-like language which is easily understood by the user. A query expert system monitors the query as it is being built, and using information about the structure of the database, it prevents the user from building semantically incorrect queries by disallowing choices in the dialog boxes which would create incorrect queries. An SQL generator is also provided which uses a set of transformations and pattern substitutions to convert the intermediate language into a syntactically and semantically correct SQL query. The

intermediate language can represent complex SQL queries while at the same time being easy to understand.

Notwithstanding the Examiner's assertion, Applicant argues that neither the *Yoshimura* nor the *Schwartz* reference discloses "...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name; and in response to the query, the hidden timestamp column returning the timestamp value to the application for use by the application..." as recited in independent claim 1. However, the Examiner proposes to combine the *Yoshimura* and *Schwartz* references with the *Norcutt* reference, to cure the delineated defect. Specifically, the Examiner states that *Norcutt* teaches the claimed, "receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name" at col. 3, lines 40-42. Applicant respectfully disagrees. The cited portion of *Norcutt* is shown herein below:

....The first and second points in time may be defined with respect to a physical time of date (e.g. 12:00 noon on Jul. 14, 2000) or to a logical time (e.g. at system change number 123423, where each operation on the database system is marked with a monotonically increasing system change number)...

Applicant emphasizes that the above-delineated portion of the *Norcutt* reference utterly fails to disclose "...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name..." as recited in independent claim 1. *Norcutt* arguably defines what a timestamp could be but **does not** disclose "...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name..." as recited in independent Claim 1.

On the contrary, Applicant argues that *Norcutt* employs a non-hidden timestamp column. Consequently, the employment of a non-hidden timestamp

column, as contemplated by *Norcutt* has several drawbacks. First, it requires additional CPU cost to maintain the timestamp column in each data row. Second, some tables may not be updated very frequently, so it may not be worthwhile to require the additional space for the timestamp in every row. Third, if the timestamp column has to be explicitly added to the table by the user, shrink-wrapped client applications cannot assume that the timestamp column will necessarily be present, since the user may have chosen not to add the timestamp column. So, client applications will be reluctant to exploit this feature of the database. Fourth, having an explicit column for the timestamp is also inconvenient for cases where some applications need the extra column while others do not. For example, adding the extra timestamp column for one application might cause problems for other existing applications that didn't expect this extra column to be part of the table schema

In stark contrast to *Norcutt*, independent claim 1 recites "...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name...". The timestamp column is "hidden" in that it does not appear in the database schema by default. Application programs can specifically request that the timestamp column be returned by issuing a query which calls the timestamp column by name. This allows the value of the timestamp column to be returned when required but avoids exposing the column to queries that do not call it by name. Thus, the timestamp column does not show up in queries by applications that have no need for this column. This also allows the database administrator to add the timestamp column to an existing table without worrying that the new column will cause problems for existing application programs that do not expect the column to be present. These implementations are clearly missing from the Examiner cited combination of references since the *Norcutt* reference fails to contemplate "...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name..." as recited in independent claim 1.

Consequently, since the *Norcutt* reference fails to contemplate “...receiving a query from an application to obtain a timestamp value from the hidden timestamp column, the query calling the timestamp column by name...” as recited in independent claim 1, the Examiner’s proposed combination of references does not disclose each element recited in independent Claim 1. Accordingly, the rejection of independent Claim 1 as being unpatentable over *Yoshimura*, in view of *Norcott*, further in view of *Shwartz* and further in view of Applicant’s APA under 35 U.S.C. §103(a) should be withdrawn should be withdrawn.

Claim 26 depends from independent claim1 inherits all of it’s limitations. Therefore, Claim 26 is also patentably distinct in light of *Yoshimura*, in view of *Norcott*, further in view of *Shwartz* and further in view of Applicant’s APA and the rejections of claim 26 under 35 U.S.C. §103(a) ought to now be withdrawn.

CONCLUSION

Applicant now believes the present case to be in condition for allowance. Therefore, the Applicant respectfully requests a Notice of Allowance for this application from the Examiner.

It is believed that all of the pending Claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending Claims (or other Claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any Claim, except as specifically stated in this paper, and the amendment of any Claim does not necessarily signify concession of unpatentability of the Claim prior to its amendment.

Respectfully submitted,

April 21, 2009

/Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Reg. No. 30,801

Customer Number 45728

(650) 493-4540

(650) 493-4549